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Skagit County Auditor

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May 19, 2008

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LOT 20 SUNSET CREEK PUD
PARCEL 111498

RE: Sunset Creek Covenants, Conditions and Restrictions Compliance

I represent the Sunset Creek Plan Unit Development Homeowner's Association. It has come to the attention of the Board of Directors that you have constructed a second residence in 2006 which was added to the detached garage built in 2003. I am further advised that you built that residence without a permit or approval of the architectural committee of the Sunset Creek Homeowners Association. This action was in direct violation of the Covenants, Conditions, Restrictions, Easements and Reservations for Sunset Creek Planned Unit Development ("CC&Rs"). Pertinent portions of the CC&Rs are set forth below as follows:

Recital B states, "Declarant intends to create and subject the real property described in Article Two of Declaration hereafter to the provisions of this Declaration to create a residential community of single-family housing in a highly desirable and scenic and secluded area with permanently maintained common areas for the benefit of the residents of Sunset Creek Plan Unit Development."

Furthermore, under Definitions, Paragraph 1.1.8, "A dwelling unit is defined as any portion of a building on any lot which portion is designed and intended as a residence for one family, without limit of the foregoing, the terms shall include single-family houses."

Article 6, Permitted and Prohibited Uses, Section 6.1 states, with respect to permitted structures, "No structure of any kind shall be constructed, altered, added to, or maintained upon any lot or any other part of the existing property, except: a) improvements or structures which are constructed by Declarant or its agents or assigns, b) such structures are approved by the Board in accordance with Article 6, c) structures which, pursuant to this Article 6, do not require consent of the Board."

Additionally, Section 6.4, Construction, explicitly states, "No structure shall be constructed or cause to be constructed on any lot unless the plans for the structure, including landscaping, have been approved in writing by the Committee." Section 6.6.1, Use Restrictions, states that "Dwelling units within structures are intended for, and restricted to, use as single-family residences only, on an ownership, rental, or lease

basis and or for social, recreational or other reasonable activities normally intended for such use."

Finally, you should be aware of **Section 9.3** which states, "The Board shall have the power to enforce the provisions of this Declaration and the Rules and Regulations of the Association for the benefit of the Association. Skagit County shall also have the power to enforce the provisions of this Declaration. The failure of any owner to comply with the provisions of this Declaration or the Rules and Regulations of the Association will give rise to a Cause of Action in the Association, acting through the Board and/or Skagit County, for recovery of damages, injunctive relief or both. If legal action is brought to interpret or enforce compliance with the provisions of this Declaration or the Rules and Regulations of the Association, **the prevailing party shall be entitled to judgment against the other party for its reasonable expenses, court costs and attorneys fees in the amount awarded by the Court.**"

It is my understanding that you have constructed a separate dwelling unit in conjunction with the approved garage on your property and that you are renting it out to a non-family member. **You are advised to cease and desist this immediately or action will be taken by the Board which will include the filing of a lawsuit for Injunction, Temporary Restraining Order and Injunction in Skagit County Superior Court and you will also be assessed attorneys fees and costs involved in such action.**

It has also come to my attention that you are attempting to sell your property. My review of the listing, as of April 8, 2008, indicates that you are advertising the rented studio apartment. Because such rental unit is not allowed, this misrepresentation could have adverse legal consequences for you with respect to any sale. We hope that you would be prudent enough to disclose the fact that your second residence is not an approved rental unit to any prospective buyer.

Should you have any questions, contact me directly and not any member of the Board. You have thirty days from the date of this letter to comply with the CC&Rs of Sunset Creek or I will commence appropriate legal action to enforce the Declaration of Covenants, Conditions and Restrictions for Sunset Creek Plan Unit Development

Very truly yours,


Paul W. Taylor
PWT/bbs



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